

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

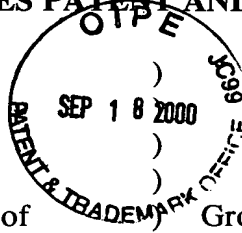
In re Patent Application of

Philippe DIAZ et al

Continuing Prosecution Application of
Prior Application No.: 09/379,308

Filed: August 23, 1999

For: HETEROCYCLIC BIARYL
COMPOUNDS,
PHARMACEUTICAL AND
COSMETIC COMPOSITIONS
CONTAINING THEM AND USES
THEREOF



Group Art Unit: 1653

Examiner: D. Lukton

RECEIVED

SEP 20 2000

TECH CENTER 1600/2900

LETTER ACCOMPANYING FILING UNDER 37 C.F.R. §1.53(d)
WITHOUT PAYMENT OF FILING FEE

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

The accompanying Continuing Prosecution Application is being filed without payment of the filing fee. Applicants request issuance of a Notice to File Missing Parts of Application.

The application is being filed in this manner to allow time for applicants' representatives to determine new claims to be filed with a Preliminary Amendment for consideration by the Examiner before issuance of an Official Action.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By: Nancy Katherine Burnmeister, Reg. No. 26,254
for Norman H. Stepno
Registration No. 22,716

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620

Date: September 18, 2000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Prior Application No: 09/379,308

Examiner: D. Lukton

Art Unit: 1653

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SEP 20 2000

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**REQUEST FORM FOR CONTINUING PROSECUTION
APPLICATION UNDER 37 C.F.R. § 1.53(d)**

Box CPA

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This is a request for filing a ☒ continuation ☐ divisional application under 37 C.F.R. § 1.53(d) (Continuing Prosecution Application) of prior Application No. 09/379,308, filed on August 23, 1999, for HETEROCYCLIC BIARYL COMPOUNDS, PHARMACEUTICAL AND COSMETIC COMPOSITIONS CONTAINING THEM AND USES THEREOF by the following named inventor(s):

- (a) Full Name Philippe DIAZ
- (b) Full Name Bruno CHARPENTIER
- (c) Full Name _____

This application is being filed by less than all the inventors named in the prior application. In accordance with 37 C.F.R. 1.53(d)(4), the Commissioner is requested to delete the name(s) of the following person or persons who are not inventors of the invention being claimed in this application:

- (a) Full Name _____
- (b) Full Name _____
- (c) Full Name _____



21839

The above-identified prior application is hereby expressly abandoned as of the filing date of this new application. Please use all the contents of the prior application file wrapper, including the drawings, as the basic papers for the new application. (Note: 37 C.F.R. § 1.53(b) must be used for applications where the prior application is not to be abandoned.)

It is understood that secrecy under 35 U.S.C. § 122 is hereby waived to the extent that if information or access is available to any one of the applications in the file wrapper of a 37 C.F.R. § 1.53(d) application, be it either this application or a prior application in the same file wrapper, the Patent and Trademark Office may provide similar information or access to all other applications in the same file wrapper.

1. ☒ Enter the amendment previously filed on July 18, 2000 under 37 C.F.R. § 1.116, but unentered, in the prior application.
2. ☐ The election made previously in the prior application does not carry over to this application.
3. ☐ A preliminary amendment is enclosed.
4. ☐ _____ statement(s) claiming small entity status ☐ is/are enclosed
☐ was/were filed in prior Application No. __, filed on __.
5. ☒ The filing fee is calculated below on the basis of the claims existing in the prior application as amended at 1 and 3 above:

CLAIMS					
	NO. OF CLAIMS		EXTRA CLAIMS	RATE	FEE
Basic Application Fee					\$690.00 (101)
Total Claims	10	MINUS 20 =	0	× \$18.00 (103) =	0.00
Independent Claims	5	MINUS 3 =	2	× \$78.00 (102) =	156.00
If multiple dependent claims are presented, add \$260.00 (104)					0.00
Total Application Fee					846.00
If small entity status is claimed, subtract 50% of Total Application Fee					0.00
TOTAL APPLICATION FEE DUE					\$ 846.00

6. ☒ This application is being filed without a filing fee. Issuance of a Notice to File Missing Parts of Application is respectfully requested.
7. ☐ A check in the amount of \$ _____ is enclosed for the fee due.
8. ☐ Charge \$ _____ to Deposit Account No. 02-4800 for the fee due.

9. ☐ The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.
10. ☒ Priority of Application No. 96/01424, filed on February 6, 1996, in France (country) is claimed under 35 U.S.C. § 119.
- ☒ The certified copy of the priority application
- ☐ is enclosed
- ☒ was received by the International Bureau on March 3, 1997 in connection with PCT/FR97/00217, filed February 4, 1997, of which prior Appln. No. 08/930,796, filed November 24, 1997 (now U.S.P. 5,981,776) was the U.S. national stage. Receipt of the certified copy has been acknowledged during prosecution of prior Appln. No. 08/930,796.
- ☐ has not yet been filed.
11. ☒ Also enclosed are (1) a PETITION FOR EXTENSION OF TIME for prior Application No. 09/379,308, filed August 23, 1999; (2) a Request for Corrected Official Filing Receipt for prior Application No. 09/379,308, filed August 23, 1999; (3) a LETTER ACCOMPANYING FILING UNDER 37 C.F.R. §1.53(d); and (4) an executed Declaration by Michel Demarchez Pursuant to 37 C.F.R. §1.132, of which an unexecuted copy was filed on July 18, 2000 in the prior application.
12. ☒ The power of attorney in the prior application is to all partners of BURNS, DOANE, SWECKER & MATHIS, L.L.P., and Norman H. Stepno, Reg. No. 22,716.
- a. ☒ The power appears in the original papers in the prior application.
- b. ☐ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- c. ☐ Recognize as Associate Attorney or Agent .
- d. ☒ Address all future communications to: (May only be completed by applicant, or attorney or agent of record.)

Norman H. Stepno
BURNS, DOANE, SWECKER & MATHIS, L.L.P.
P.O. Box 1404
Alexandria, Virginia 22313-1404

September 18, 2000
Date

By: Mary Katherine Baunister, Reg. No. 26,254
for Norman H. Stepno
Registration No. 22,716

ADDRESS OF SIGNATOR:

BURNS, DOANE, SWECKER & MATHIS, L.L.P.
P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620

☐ inventor(s)
☐ assignee of complete interest
☒ attorney or agent of record
☐ filed under 37 C.F.R. § 1.34(a)

Receipt

Patent Application
Attorney's Docket No. 016800-318

FILE COPY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Philippe DIAZ et al.

Application No.: 09/379,308

Filed: August 23, 1999

For: HETEROCYCLIC BIARYL
COMPOUNDS, PHARMACEUTICAL
AND COSMETIC COMPOSITIONS
CONTAINING THEM AND USES
THEREOF



Group Art Unit: 1653

Examiner: D. Lukton

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OCT 04 2000

TECH CENTER 1600/2500

REQUEST FOR CORRECTED OFFICIAL FILING RECEIPT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Enclosed is a copy of the Official Filing Receipt marked in red to show the corrections that are needed. The corrections are as follows.

After the section for "CONTINUING DATA AS CLAIMED BY APPLICANT-", please add the following section and information regarding the foreign priority application:

--FOREIGN APPLICATIONS--

--FRANCE 96/01424 02/06/96-- .

This information appears on page 3 of the Request for Filing Divisional Application filed August 23, 1999 and in the copy of the declaration filed therewith for parent Appln. No. 08/930,796, filed November 24, 1997, copies of which are appended.

Issuance of a corrected Official Filing Receipt is respectfully requested.

[X] This Request for Corrected Official Filing Receipt is being filed to correct a Patent Office error. No fee is required.

[] The \$25.00 (576) fee required under 37 C.F.R. § 1.19(h) to correct an Official Filing Receipt due to applicant error: [] is enclosed; [] is authorized to be charged to Deposit Account No. 02-4800 and this paper is submitted in duplicate.

If any fee is associated with this request, please charge same to Deposit Account No. 02-4800. This sheet is submitted in duplicate.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By: Nancy Katherine Brunister, Reg. No. 26,254
for Norman H. Stepno
Registration No. 22,716

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620

Date: September 18, 2000

FILING RECEIPT
CORRECTED



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTORNEY DOCKET NO.	DRWGS	TOT CL	IND CL
09/379,308	08/23/99	1654	\$760.00	016800-318	2	10	1

021839
BURNS DOANE SWECKER & MATHIS
P O BOX 1404
ALEXANDRIA VA 22313-1404



Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts of Application" ("Missing Parts Notice") in this application, please submit any corrections to this Filing Receipt with your reply to the "Missing Parts Notice." When the PTO processes the reply to the "Missing Parts Notice," the PTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s) PHILIPPE DIAZ, NICE, FRANCE; BRUNO CHARPENTIER, BIOT, FRANCE.

CONTINUING DATA AS CLAIMED BY APPLICANT-

THIS APPLN IS A DIV OF 08/930,796 11/24/97 PAT 5,981,776
WHICH IS A 371 OF PCT/FR97/00217 02/04/97

IF REQUIRED, FOREIGN FILING LICENSE GRANTED 09/09/99
TITLE

HETEROCYCLIC BIARYL COMPOUNDS, PHARMACEUTICAL AND COSMETIC
COMPOSITIONS CONTAINING THEM AND USES THEREOF

PRELIMINARY CLASS: 530

--FOREIGN APPLICATIONS

FRANCE 96/01424 02/06/96 --

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OCT 04 2000

TECH CENTER 1600/2800

BURNS, DOANE, SWECKER & MATHIS, LLP
RECEIVED

016800-318
L'ORÉAL
NHS/RLT

JAN 18 2000

DOCKETED 1-18-00

DATA ENTRY BY: LOVER, ANTHONY

TEAM: 08 DATE: 01/04/00

|||||

(See reverse for new important information)

COPY

Patent
Attorney's Docket No. 016800-318

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

REQUEST FOR FILING CONTINUATION/DIVISIONAL
APPLICATION UNDER 37 C.F.R. § 1.53(b)

RECEIVED

OCT 04 2000

TECH CENTER 1600/2000

Box PATENT APPLICATION

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This is a request for filing a ☐ continuation ☒ divisional application under 37 C.F.R. § 1.53(b) of pending Application No. 08/930,796 filed on November 24, 1997, for HETEROCYCLIC BIARYL COMPOUNDS, PHARMACEUTICAL AND COSMETIC COMPOSITIONS CONTAINING THEM AND USES THEREOF, by the following named inventor(s):

- (a) Full Name Philippe DIAZ
- (b) Full Name Bruno CHARPENTIER
- (c) Full Name _____

- ☒ The entire disclosure of the prior application from which a copy of the oath or declaration is supplied herewith is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
- ☐ This application is being filed by less than all the inventors named in the prior application. In accordance with 37 C.F.R. 1.63(d)(2), the Commissioner is requested to delete the name(s) of the following person or persons who are not inventors of the invention being claimed in this application.

- (a) Full Name _____
- (b) Full Name _____
- (c) Full Name _____

1. ☒ Enclosed is a copy of the prior Application No. 08/930,796 as originally filed on November 24, 1997, including copies of the specification, claims, drawings and the executed oath or declaration as filed.
2. ☐ Enclosed is a revised prior application and a copy of the prior executed oath or declaration as filed. No new matter has been added to the revised application.

ES
8/23/99

(12/97)

3. ☐ _____ statement(s) claiming small entity status ☐ are enclosed ☐ were filed in prior Application No. __, filed on __.
4. ☒ The filing fee is calculated below ☒ and in accordance with the enclosed preliminary amendment:

CLAIMS					
	NO. OF CLAIMS		- EXTRA CLAIMS	RATE	FEE
Basic Application Fee					\$760.00
Total Claims	10	MINUS 20 =	0	x \$18.00 =	0.00
Independent Claims	1	MINUS 3 =	0	x \$78.00 =	0.00
If multiple dependent claims are presented, add \$260.00					0.00
Total Application Fee					760.00
If small entity status is claimed, subtract 50% of Total Application Fee					0.00
Add Assignment Recording Fee of \$40.00 if Assignment document is enclosed					0.00
TOTAL APPLICATION FEE DUE					760.00

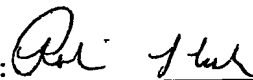
5. ☐ Charge \$ _____ to Deposit Account No. 02-4800 for the fee due.
6. ☒ A check in the amount of \$ 760.00 is enclosed for the fee due.
7. ☒ The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in triplicate.
8. ☒ Cancel in this application original claims 2-27 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
9. ☒ Amend the specification by inserting before the first line the sentence: --This application is a ☐ continuation, ☒ divisional, of Application No. 08/930,796, filed November 24, 1997; which in turn is a 371 of Application No. PCT/FR97/00217, filed February 4, 1997.--
10. ☐ Transfer the drawings from the pending prior application to this application and abandon said prior application as of the filing date accorded this application. A duplicate of this paper is

enclosed for filing in the prior application file. (May only be used if signed by person authorized under 37 C.F.R. § 1.138 and before payment of issue fee.)

11. ☐ New drawings are enclosed.
12. ☒ Priority of Application No. 96/01424 filed on February 6, 1996 in France (country) is claimed under 35 U.S.C. § 119.
- ☒ The certified copy of the priority application
☐ is enclosed
☒ was filed in prior Application No. PCT/FR97/00217, filed on February 4, 1997.
☐ has not yet been filed.
13. ☒ A preliminary amendment is enclosed.
14. ☒ The Assignee of record is Centre International de Recherches Dermatologiques Garlderma.
15. ☒ Also enclosed Request for Listing of References Considered by Examiner.
16. ☒ The power of attorney in the prior application is to Norman H. Stepno.
- a. ☒ The power appears in the original papers in the prior application.
- b. ☐ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- c. ☒ Recognize as Associate Attorney Robin L. Teskin, Reg. No. 35,030.
- d. ☒ Address all future communications to: (May only be completed by applicant, or attorney or agent of record.)

Norman H. Stepno
BURNS, DOANE, SWECKER & MATHIS, L.L.P.
P.O. Box 1404
Alexandria, Virginia 22313-1404

August 23, 1999
Date

By: 
Robin L. Teskin
Registration No. 35,030

ADDRESS OF
SIGNATOR:

BURNS, DOANE, SWECKER & MATHIS, L.L.P.
P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620

- ☐ inventor(s)
☐ assignee of complete interest
☐ attorney or agent of record
☒ filed under 37 C.F.R. § 1.34(a)